

REMARKS

Claims 1, 2, 10 and 16 now stand rejected under 35 U.S.C. 103(a) as being unpatentable of Kramer in view of Warnick. Applicant therefore includes amendments to the claims as defined herein to clearly identify over Kramer in view of Warnick.

Referring now to United States Patent 3,842,890, hereinafter referred to as Kramer, there is taught a coilable closure device which includes a frame, a guide means and a vertical storage chamber for holding a single sheet of plastic (which is not a mesh screen) which is vertically coilable upon itself within the storage chamber without the use of a roller for storage. The structure is best seen in relation to figure 6 wherein the plastic sheet clearly is coiled upon itself in a tight roll without the need of a roller.

Kramer within The Background of the Invention discusses the fact that closures were wound about a post much like a window shade and that the invention of Kramer overcomes the prior art disadvantages without a post. Please refer to column 1, lines 5-20 in this regard. Further, Kramer also refers to the closure being a plastic sheet at line 17, at line 22, at line 24 and at line 26 and once more at line 28. It is clear that it is Kramer's intention that the closure be a plastic sheet. At column 2, line 43, it states that the sheet 48 may be made of any suitable plastic. At line 62, it states that the thickness of the plastic sheet is predetermined to permit the plastic sheet to readily coil about itself as shown in Figure 6. At column 4, line 10, it states that the closure member 46 can be used instead of or to replace existing doors, for example hinge hung doors. At line 60, it states that the closure member should be rigid enough to vertically stand within the tracks 106 and 108 to close the opening 110 without buckling. In order to ensure this is the case, stiffening wires 128 are vertically disposed in the plastic sheet or closure member 104. At column 5, line 33, it states that the coiling action of the closure members 104 is aided by coiling guide 124 and continuing to turn about itself within the jamb 128 without the need of a center post.

One can therefore conclude from the teachings of Kramer that the center post or roller is

clearly absent. It is an objective of the invention of Kramer that this be the case since it is clearly stated that no post is required. Further, one can conclude from a reading of Kramer that the closure member is in the form of a single plastic sheet which has substantial thickness so that it may readily coil upon itself and further that it won't buckle when it stands vertically within the tracks 106 and 108 even if stiffeners are required (please refer to column 4, line 56 for discussion of this aspect). The similarity between the plastic sheet that is sufficiently rigid so that it won't buckle and a mesh screen which is respectfully insufficiently rigid and will buckle, and was most assuredly not meant to be a door. The Examiner's interpretation of the word screen although generally correct has been insufficient. Should the word screen be used as a noun, then consistent with the Examiner's definition it should be a screen for use as a closure. It most assuredly is not a screen used for allowing flow of air.

The question then becomes what advantage can Kramer derive from the teachings of Warnick. Clearly Warnick requires a roller, Kramer does not require a roller. Warnick uses screen mesh. Kramer cannot be used with screen mesh. It simply will not work. In fact as previously submitted, Kramer and Warnick are mutually exclusive, meaning that they would not readily combine. Warnick provides a screen which is used to prevent bugs from entering a dwelling when the closure is open. Warnick does not replace the closure. Applicant's screen assembly does not replace the closure member. Kramer does replace the closure member. Why would one skilled in the art install Kramer and, for example, a regular door supported from hinges? The need of one or the other is evident but not both. Warnick would be installed over or in front of the door and then only if the door of Kramer were in fact a window.

It is clear that Kramer knew about screens and posts since this was one construction that he wished to obviate with his development. He, however, made a conscious decision not to go in the direction that would result in a post construction such as Warnick. Warnick is an example of just one of many window screen structures that preceded Kramer. But Kramer did not use that construction because he was not interested in pursuing that direction. Clearly he had defined one of the advantages of his door construction and that is to be without a post.

Forty-four years had past between the development of Kramer and Warnick. If he

wanted to glean anything from Warnick he would have done so but respectfully this is not the case since the two constructions are somewhat mutually exclusive.

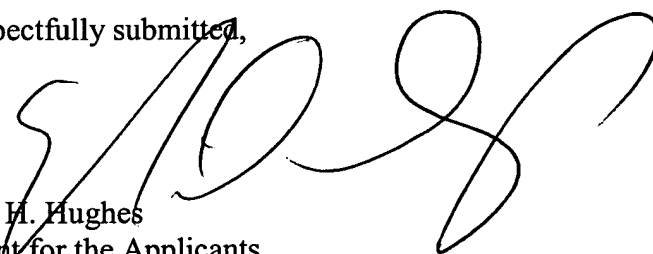
To the contrary, Applicant's invention relates to a screen assembly or screen cassette carried within a closure frame within a jamb and carried upon a roller. This limitation is not found within Kramer, nor in Kramer in view of Warnick.

The question then becomes what advantage can Kramer derive from the teachings of Warnick.

It is therefore respectfully requested for the reasons set out above and in view of the amendments as Applicant's claim that the Examiner reconsider the prior art references applied in view of Applicant's amendments and approve the claims for allowance.

If the Examiner has any questions, the Examiner is respectfully requested to contact Neil H. Hughes at (905) 771-6414 at his convenience.

Respectfully submitted,



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